REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 1, 12, 25, and 58-63 are amended. Claims 1-12, 14-25, 27-51 and 58-63 are pending in this application. Claims 21-24 and 30-51 are withdrawn.

I. Claim Rejections Under 35 U.S.C. § 103

On page 5 of the Office Acton, Claims 1-12, 14-20, 25, 27-29, and 58-64 (sic) were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,748,533 to Wu, et al. (hereafter "Wu") in view of U.S. Patent No. 6,119,932 to Maloney, et al. (hereafter "Maloney"). Applicants note that there is no Claim 64 pending. Applicants respectfully traverse the rejection. Wu and Maloney, alone or in combination, fail to teach or suggest "verifying the bearer's age when ... the second digital data and the third digital data correspond [wherein the third digital data corresponds to a biometric sample ... the biometric sample is physically captured from the bearer]," as recited in Claim 1. Independent Claims 58 and 59 include similar features. Further, Wu and Maloney, alone or in combination, fail to teach or suggest "receiving second optical scan data physically captured from the person associated with the identification document; verifying the identification document based on the second optical scan data and the additional data; [and] determining, based on the first set of information, the person's age or age level in connection with an age-related transaction or event, wherein said act of determining protects the anonymity of the person in possession of the identification document from said multi-purpose electronic processor or entity performing said determining," as recited in Claim 12, or "receiving information corresponding to the bearer based on the first field; receiving second optical scan data physically captured from the bearer; verifying the identification document based on the first field and the second optical scan data; [and] wherein neither the data corresponding to the second field nor the reduced-bit representation betray the identity of the bearer of the identification document to said multi-purpose electronic processor or an entity

performing said act of comparing," as recited in Claim 25. Independent Claims 60-63 include similar features.

In the Response to Arguments on page 2 of the Office Action, the Examiner argues (with underlining added):

> Applicant argue that Wu and Maloney alone or in combination does not teach verifying the bearer's age when the first digital data indicates that the bearer is at least as old as a predetermined age, the multi-purpose processor performing the act of comparing is persuasive. However, the claimed invention does not overcome the Wu prior art alone. Wu disclose the method and a device of verifying an age of a bearer of a document, however, does not clearly include the processor for comparing. Additionally, Wu discloses verifying the biometric sample, watermark, and age of the bearer on the identification document (card) but does not specify the bearer is at least as old as a predetermined age. Maloney is combined with Wu to teach the claimed invention. Maloney discloses an improved identification verification apparatus comprises a camera for capturing an image of a user, a storage device that stores the captured image, a microprocessor and a data detection device coupled to the microprocessor. The microprocessor has an associated memory structure, and the data detection device is operable to extract data from an identification card presented by the user and also includes a device for superimposing selected portions of the extracted data upon the captured image of the user (col.1, lines 47-59). The claimed identification document can be in the form of a identification card. Maloney further discusses a method of vending a product having a minimum age limitations where data is extracted from an identification card. The extracted information includes data of birth information that is used to calculate whether the identification card indicates that the user satisfies the minimum age limitation. Thus determines the identification card is valid (col.2, lines 5-21 and col.5, lines 38-56). Therefore, it would have been obvious for a person of ordinary skills in the art to combine Maloney with Wu to teach a device consist a multi-purpose processor receiving information from the identification document to perform the act of comparing and verifying the bearer's age when the first digital data indicates that the bearer is at least as old as a predetermined age because to perform the functions of verifying the age is appropriate

> or inappropriate and determines the identification card is valid (Maloney- col.1, lines 47-59 and col.2, lines 5-21).

Further, in the Advisory Action, the Examiner argues (with underlining added):

> In response to argument on pg. 17, that Wu and Maloney do not whatsoever disclose or suggest "verifying the bearer's age...the second digital data and the third digital data correspond" as recited in claim 1. According to the claimed invention, second digital data correspond to a biometric indicator obtained from auxiliary data steganographically embedded in the document which can be in the form of watermark of a document and can be in the form of a card, driver's license, or passport, etc. The claimed third digital data correspond to a biometric sample that corresponds to the bearer which can broadly include fingerprint, facial scan, retinal scan, etc, that is related to identifying the person or bearer. Wu discloses one or several invariant features combined can encrypted by hashing or to produce a random pattern using the extracted message and combine the original content and the generated pattern to generate a watermark (col.8, lines 28-30 and col.9, lines 43-45). Wu discloses verifying the legitimacy of the article embedded with linked watermarks where watermark is known in the art to protect owner/person of the identification document being identified or copy protected from unauthorized people. This reads on verifying the second digital data. Wu shows in Figures 4-6 verifying both the watermark (second digital data) and correlating in the recognition engine the biometric of the person (third digital data) of the document. Wu also includes personal particulars include person's age which suggests the bearer's age can be used for correlation or verification. Therefore, Wu reads on the claimed "verifying the bearer's age when the second digital data and the third digital data correspond".

Applicants respectfully disagree. At best, FIGS. 4-6 of Wu merely disclose extracting biometrics from a working area of a document. (See Col. 10, lines 20-28).

On page 4 of the Office Acton, the Examiner argues (with underlining added):

> receiving third digital data corresponding to a biometric sample, wherein the biometric sample corresponds to the bearer; and (col. 10, lines 53-67 and col. 11, lines 5-13)

> verifying the bearer's age when: i) the first digital data indicates that the bearer is at least as old as a predetermined age (col. 7, lines 20-28), and ii) the second digital data and the third digital data correspond. (col. 5, lines 14-33 and col. 9, lines 1-22)
>
> Wu discloses generating an invisible watermark and embedding an invisible watermark in an official seal increases verifiable authenticity of the article requiring against forgery or any other unauthorized modification (col. 12, lines 48-53). Wu discloses one or several invariant features combined can encrypted by hashing or to produce a random pattern using the extracted message and combine the original content and the generated pattern to generate a watermark (col. 8, lines 28-30 and col. 9, lines 43-45). Wu discloses verifying the legitimacy of the article embedded with linked watermarks where watermark is known in the art to protect owner/person of the identification document being identified or copy protected from unauthorized people. In addition, Wu includes encryption or cryptographic link (Wu - col. 2, lines 30-42), where this is also known to protect the owner/person from unauthorized people. As such, Wu's invention protects a person's anonymity. However, Wu did not clearly discuss the first digital data indicates that the bearer is at least as old as a predetermined age.

Applicants respectfully disagree. Wu and Maloney do not whatsoever disclose or suggest "verifying the bearer's age when ... the second digital data and the third digital data correspond [wherein the third digital data corresponds to a biometric sample ... the biometric sample is physically captured from the bearer]," as recited in Claim 1. Claims 12, 25 and 58-63 include similar features.

As noted in the Response to Arguments on page 2 of the Office Action, the Examiner acknowledges that "Wu ... does not clearly include the processor for comparing. Additionally, Wu ... does not specify the bearer is at least as old as a predetermined age." The Examiner looks to Maloney for this teaching. However, Maloney fails to cure the deficiencies of Wu.

Maloney discloses an "identification verification apparatus []. The apparatus is of the type that includes a camera for capturing an image of a user and a storage device that stores the captured image." (Col. 1, lines 47-51; Underlining added). In particular, Maloney discloses:

> The storage device 22 is preferably **a video tape recorder**, such as Sanyo Model No. SRT 500 or SRT 600, but may alternatively be any electronic or magnetic storage medium. The camera 20 may be a CCD low light level camera or any other suitable camera. In addition, the camera 20 is preferably equipped with a wide angle lens. Many suitable cameras and lenses for this application are commercially available. For example, the camera 20 may be a Konica/Chugai Model No. FC62B (Black & White, 1/3", CCD) equipped with a Computer/Chugai 4 MM lens, Model No. TO412FICS. Likewise, numerous commercially available monitors are suitable for this application, such as the Ultrak Model Nos. KM9 and KM12.

(Col. 2, lines 53-65; Underlining and emphasis added). Further, Maloney discloses:

> The identification verification apparatus shown in FIGS. 1A and 1B operates as follows when used in conjunction with an operator. When a customer or patron approaches the operator of the apparatus, the camera 20 captures an image of the customer. **The image is transferred in electronic form from the camera 20, through the video interface 32, to the storage device 22**. ...In addition, the storage device 22 may superimpose time and date information on the recorded image.
>
> The customer then presents an identification card or the like to the operator, who uses the data detection device 24 to read data from the identification card. The data is decoded by the decoder 30 and then transmitted to the microprocessor 26 and the video interface 32. At the microprocessor 26, the data is preferably formatted and stored as a database entry. A monitor (not shown) may be connected to the microprocessor and located within view of the operator to provide the operator with instructions, such as whether the data was properly read from the identification card, or information derived from the data.

(Col. 4, lines 22-43; Underlining and emphasis added). Moreover, Maloney discloses:

> At step 230, the date of birth information is located within the scanned data. Then, at step 240, the date of birth information from the identification card is compared to the legal access date calculated at step 170. If the date of birth information indicated that the customer is of an appropriate age, then the program proceeds to

> step 250, where the scanned information is formatted and stored as a database entry. If the date of birth information indicated that the customer is not of an appropriate age, then the program may optionally proceed to format and store the scanned information in a separate database. A program listing demonstrating how the scanned information is formatted and stored is attached hereto in Appendix B. Preferably, a separate database entry is created for each customer. From step 250, the program returns to step 200 and is ready to scan the next identification card. If, on the other hand, the date of birth information indicates that the customer is not of an appropriate age at step 240, the program proceeds to step 260 **where an indicator is provided to the operator.** From step 260, the program returns to step 200.

(Col. 5, lines 38-57; Underlining and emphasis added).

Thus, **Maloney merely discloses a VHS device for recording images of a customer** who also presents identification, which can be scanned as described in column 5, lines 26-67. **In other words, Maloney merely teaches making a video-tape recording of a person who buys something from a vending device.** Maloney does not whatsoever use the stored image for a comparison. In addition, Maloney merely discloses **providing an indicator** to an operator when "the date of birth information indicates that the customer is not of an appropriate age." (Col. 5, lines 53-57).

In contrast, Claim 1 recites "verifying the bearer's age **when ... the second digital data** [corresponding to a biometric indictor] **and the third digital data** [corresponding to a biometric sample, wherein the biometric sample corresponds to the bearer, and the biometric sample is physically captured from the bearer] **correspond,**" as recited in Claim 1. Storing the image of a customer as in Maloney is not equivalent to "verifying the bearer's age when ... the second digital data and the third digital data correspond," as recited in Claim 1. Further, providing an indicator as in Maloney is not equivalent to "verifying the bearer's age **when ... the second digital data** [corresponding to a biometric indictor] **and the third digital data** [corresponding to a biometric sample, wherein the biometric sample corresponds to the bearer, and the biometric sample is physically captured from the bearer] **correspond,**" as recited in Claim 1. An indicator

related to date of birth information as in Maloney is not whatsoever "**when ... the second digital data** [corresponding to a biometric indictor] **and the third digital data** [corresponding to a biometric sample, wherein the biometric sample corresponds to the bearer, and the biometric sample is physically captured from the bearer] **correspond,**" as recited in Claim 1.

An obviousness rejection cannot be properly maintained if the references cited do not disclose each and every element of the claims. For at least these reasons, amended Claim 1 is patentable over Wu and Maloney, alone or in combination. Claims 12, 25 and 58-63 include features similar to Claim 1 and are patentable over Wu and Maloney for at least the same reasons. The remaining claims depend from one of independent Claims 1, 12, and 25. For at least these reasons, Applicant respectfully requests withdrawal of the rejection of Claims 1-12, 14-25, 27-51 and 58-63 under 35 U.S.C. § 103.

* * *

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date November 23, 2011

By */Eric N. Huston/*

FOLEY & LARDNER LLP
Customer Number: 99103
Telephone: (608) 258-4205
Facsimile: (608) 258-4258

Eric N. Huston
Attorney for Applicant
Registration No. 65,684